

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

SIGNATURE DEVELOPMENT, LLC;
JEFF LAGE; and JENNIFER
LANDGUTH,

Civ. No. 11-5019

Plaintiffs,

v.

MID-CONTINENT CASUALTY
COMPANY,

Defendant.

**DEFENDANT'S FIRST
SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' SECOND SET
OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

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BEARDSLEY JENSEN
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Defendant Mid-Continent Casualty Company responds to Plaintiffs

Second Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Defendant objects to Plaintiffs' discovery requests as they do not describe with reasonable particularity each item or category of items to be inspected pursuant to Fed.R.Civ.P. 34(b)(1)(A). Further, the request does not appear to be reasonably tailored to secure documents relevant to issues in this lawsuit.

2. Defendant objects to Plaintiffs' discovery requests as Plaintiffs do not "specify a reasonable time, place, and manner for the inspection" pursuant to Fed.R.Civ.P. 34(b)(1)(B).

3. Defendant objects to Plaintiffs' definitions, instructions, interrogatories and document requests as improper and unduly burdensome to the extent they seek the disclosure of information and documents protected by the attorney-client privilege, attorney work-product doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed a waiver of any such privilege or doctrine.

4. Defendant objects to Plaintiffs' discovery requests as overbroad, unduly burdensome, not calculated to lead to the discovery of admissible evidence, and not relevant to the allegations set forth in the Plaintiffs' Complaint ("Complaint") to the extent that they seek information and documents outside the scope of the Plaintiffs' insurance policy and claims file.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

COMPANY GOALS AND INCENTIVE PLANS

REQUEST NO. 7: Any and all documents that reference bonus or award programs for which the personnel handling or reviewing claims are or have been eligible in the past, from January 1, 2004, to the present. This would include the claims handlers, supervisors, managers, or any other individuals in the chain of command up to the head of Claims.

RESPONSE: Defendant maintains its previous response. Also, see documents produced and Bates stamped as MCG0000929 – MCG0001168.

REQUEST NO. 9: Any and all documents in use since January 1, 2004, to present which relate to the manner in which claim personnel, including supervisory personnel, might receive increases in salary, bonuses, commissions or awards.

RESPONSE: See Response to Request No. 7.


TRAINING MATERIALS

REQUEST NO. 13: Any and all documents, including video presentations, power point presentations, manuals, computer presentations, bulletins, guidelines or anything else, used to train or assist Defendant's claims personnel in processing claims. This request is limited to documents created since 2004 to present. It includes but is not limited to information available online.

RESPONSE: Defendant maintains its previous response. Also, see documents produced and Bates stamped as MCG0001086 – 0001168.

Dated this 29th day of May, 2012.

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, LLP

By: 

Gregory J. Erlandson
Sarah Baron Houy
PO Box 2670
Rapid City, SD 57709
(605)343-1040
gerlandson@bangsmccullen.com
sbaronhouy@bangsmccullen.com

ATTORNEYS FOR DEFENDANT

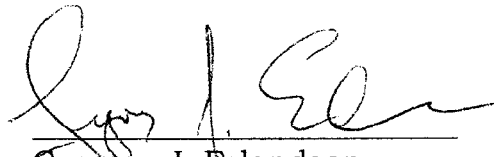
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 29, 2012, he served a copy of this legal document upon the person herein designated, all on the date below shown, by first class mail to the address shown below:

Steven C. Beardsley, Esq.
Brad Lee, Esq.
Beardsley, Jensen & VonWald
P.O. Box 9579
4200 Beach Dr., Ste 3
Rapid City, SD 57709
Sbeards@blackhillslaw.com
Blee@blackhillslaw.com

ATTORNEYS FOR PLAINTIFFS

which e-mail address is the last address of the addressee known to the subscriber.



Gregory J. Erlandson